

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORRIS LEE,

1:02-cv-05037-LJO-GSA-PC

Plaintiff,

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 109.)

vs.

C/O HOUGH, et al.,

ORDER DISMISSING DEFENDANT
GARCIA FROM THIS ACTION FOR
PLAINTIFF'S FAILURE TO EFFECT
SERVICE

Defendants.

Norris Lee ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 1, 2011, Findings and Recommendations were entered, recommending that defendant Correctional Officer ("C/O") M. Garcia be dismissed from this action for Plaintiff's failure to effect service under Rule 4. (Doc. 109.) On September 19, 2011, Plaintiff filed objections to the Findings and Recommendations. (Doc. 113.) On October 4, 2011, defendant Hough filed a response to Plaintiff's objections. (Doc. 118.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, including Plaintiff's objections and defendant Hough's response, the Court finds the Findings and Recommendations to be supported by the record and proper analysis.

Accordingly, THE COURT HEREBY ORDERS that:

1. The Findings and Recommendations issued by the Magistrate Judge on September 1, 2011, are adopted in full;

2. Defendant C/O M. Garcia is DISMISSED from this action, based on Plaintiff's failure to effect service under Rule 4; and

3. The Clerk is DIRECTED to reflect the dismissal of defendant Garcia from this action.

IT IS SO ORDERED.

Dated: October 5, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE